

Part 13

Protection of Youth

Part Compiler's Comments:

Preamble: The preamble attached to Ch. 260, L. 2013, provided: "WHEREAS, the Centers for Disease Control and Prevention estimates that as many as 3.9 million sports-related and recreation-related concussions occur in the United States each year; and

WHEREAS, youth athletics are commonplace throughout the state and it is in the best interest of participating youth that uniform concussion policies and procedures apply across the state; and

WHEREAS, the Centers for Disease Control and Prevention has created uniform policies and procedures regarding the nature and risk of concussions, including the effects of continuing to play after sustaining a concussion, that are consistent with current medical knowledge."

Short Title: Section 1, Ch. 260, L. 2013, provided: "[Sections 1 through 5] [20-7-1301 through 20-7-1304] may be cited as the 'Dylan Steigers Protection of Youth Athletes Act'."

Effective Date: Section 7, Ch. 260, L. 2013, provided: "[This act] is effective on passage and approval." Approved April 22, 2013.

20-7-1301. Purpose -- intent. (1) The legislature finds that protecting youth athletes from serious injury is a compelling state interest. The purpose of 20-7-1301 through 20-7-1304 is to prevent permanent injury and death to youth athletes in the state of Montana. To further this interest, the legislature finds:

(a) concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities;

(b) a concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull;

(c) the risks of catastrophic injuries or death are significant when a concussion or brain injury is not properly evaluated and managed;

(d) concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works;

(e) concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, with the ground, or with obstacles;

(f) concussions occur with or without loss of consciousness; and

(g) continuing to play with a concussion or symptoms of brain injury leaves the youth athlete especially vulnerable to greater injury and even death.

(2) Sections 20-7-1301 through 20-7-1304 do not create a new cause of action.

History: En. Sec. 2, Ch. 260, L. 2013.

20-7-1302. Definitions. As used in 20-7-1301 through 20-7-1304, the following definitions apply:

(1) "Concussion" means an injury to the brain arising from blunt trauma, an acceleration force, or a deceleration force, which may include one of the following observed or self-reported conditions attributable to the injury:

(a) transient confusion, disorientation, or impaired consciousness;

(b) dysfunction of memory;

(c) loss of consciousness; or

(d) signs of other neurological or neuropsychological dysfunction, including:

(i) increased irritability;

(ii) lethargy;

(iii) vomiting;

(iv) headache;

(v) dizziness;

- (vi) fatigue;
- (vii) decreased balance; and
- (viii) seizures.

(2) "Licensed health care professional" means a registered, licensed, certified, or otherwise statutorily recognized health care professional whose training includes the evaluation and management of concussions.

(3) "Organized youth athletic activity" means an athletic activity sponsored by a school or school district in which the participants are engaged in an athletic game or competition against another team, club, or entity, in practice, tryouts, training exercises, or sports camps, or in preparation for an athletic game or competition against another team, club, or entity.

(4) "Youth athlete" means an individual who is an active participant in an organized youth athletic activity.

History: En. Sec. 3, Ch. 260, L. 2013.

20-7-1303. Youth athletes -- concussion education requirements. (1) Each school district in this state offering organized youth athletic activities shall adopt policies and procedures to inform athletic trainers, coaches, officials, youth athletes, and parents or guardians of the nature and risk of brain injuries, including the effects of continuing to play after a concussion. The policies, content, and protocols must be consistent with current medical knowledge and guidelines provided by the U.S. department of health and human services, centers for disease control and prevention, as to:

- (a) the nature and risk of brain injuries associated with athletic activity;
- (b) the signs, symptoms, and behaviors consistent with a brain injury;
- (c) the need to alert a licensed health care professional for urgent recognition and treatment when a youth athlete exhibits signs, symptoms, or behaviors consistent with a concussion; and
- (d) the need to follow proper medical direction and protocols for treatment and returning to play after a youth athlete sustains a concussion.

(2) A form documenting that educational materials referred to in subsection (1) have been provided to and viewed by each youth athlete and the youth athlete's parent or guardian must be signed by each youth athlete and the youth athlete's parent or guardian and returned to an official designated by the school or school district prior to the youth athlete's participation in organized youth athletic activities for the subsequent school year.

(3) School districts shall ensure access to a training program consistent with subsection (1). Each coach, athletic trainer, and official participating in organized youth athletic activities shall complete the training program at least once each school year.

(4) School districts may invite the participation of appropriate advocacy groups and appropriate sports governing bodies to facilitate the requirements of subsections (1) through (3).

History: En. Sec. 4, Ch. 260, L. 2013.

20-7-1304. Youth athletes -- removal from participation following concussion -- medical clearance required before return to participation. (1) An athletic trainer, coach, or official shall remove a youth athlete from participation in any organized youth athletic activity at the time the youth athlete exhibits signs, symptoms, or behaviors consistent with a concussion.

(2) A youth athlete who has been removed from participation in an organized youth athletic activity after exhibiting signs, symptoms, or behaviors consistent with a concussion may not return to organized youth athletic activities until the youth athlete:

- (a) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and
- (b) receives an evaluation by a licensed health care professional and receives written clearance to return to play from the licensed health care professional. The written clearance must state:
 - (i) that the licensed health care professional has evaluated the youth athlete; and
 - (ii) that in the licensed health care professional's opinion, the youth athlete is capable of safely resuming participation in organized youth athletic activities.

History: En. Sec. 5, Ch. 260, L. 2013.

20-7-1305 through 20-7-1309 reserved.